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HUMAN RIGHTS COMMITTEE

Forty-sixth session

SUMMARY RECORD OF THE 1199th MEETING

held at the Palais des Nations, Geneva,
on Tuesday, 3 November 1992, at 10 a.m.

Chairman: Mr. POCAR

CONTENTS

Consideration of reports submitted by States parties under article 40 of the Covenant (continued)

Second periodic report of Venezuela (continued)

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The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Second periodic report of Venezuela (CCPR/C/37/Add.14) (continued)

1. The CHAIRMAN invited the delegation of Venezuela to continue its replies to questions raised by members of the Committee during the discussion of section II of the list of issues.

2. Ms. POITEVIEN (Venezuela) explained that the Public Prosecutor's Department was an autonomous institution independent from the legislative, executive and judicial bodies in Venezuela. Since it held responsibility for monitoring the implementation of human rights and respect for constitutional and legal order, it attached great importance to the Committee's discussion of Venezuela's application of the Covenant. It acknowledged the work done by the Committee and other United Nations bodies in promoting the cause of human rights.

3. The Committee's scrutiny of implementation of the Covenant was important also because in the hierarchy of Venezuelan legislation, the Covenant stood above domestic norms and laws. It enabled human rights not set out in the Venezuelan Constitution to be invoked in the courts. The Attorney-General of the Republic frequently spoke out about the need to strengthen the rule of law and to depoliticize administrative bodies and the judiciary, to resolve the crisis in the separation of powers and to prevent human rights violations.

4. The question raised by Mr. El Shafei regarding paragraph 278 of the report appeared to be attributable to a mistake in translation, and she requested the secretariat to look into the matter.

5. There were three legal departments and a number of executive bodies with competence in environmental matters, and several important cases of environmental protection had been handled.

6. On the subject of corruption, the report described numerous investigations carried out by various competent bodies, but the problem still persisted, in both visible and invisible forms. The Public Prosecutor's Department had made it clear that both types were dangerous and should be combated.

7. Concerning the Act of 1956 on vagrants and malefactors, she said it covered the potential danger of an offence being committed. The measures to be applied were determined by the competent administrative bodies. The Attorney-General had deemed the law to be anachronistic, but efforts to replace it had not yet borne fruit. As to the conditions for incarceration of vagrants and malefactors, she said if it was to be of more than very short duration, it took place in centres under the authority of the Minister of Justice, who was responsible for penal administration. The conditions of incarceration for vagrants and malefactors were the same as those for regular prisoners.

8. Mr. Prado Vallejo had asked about instances of impunity following the events of February 1989. There could be a number of reasons for such impunity. In all circumstances, the Public Prosecutor's Department had made strenuous efforts to investigate, uncover proof and handle complaints. The courts had been urged to order corpses to be exhumed with a view to acquiring additional evidence in response to the concerns expressed by relatives of victims. Because of difficulties in assigning individual responsibility, insufficient information on the location of common graves and other technical problems, no results had been achieved as yet. The delegation of Venezuela would be greatly interested in hearing the Committee's recommendations on that point.

9. The Public Prosecutor's Department had also acted immediately to follow up on all accusations of torture. In 1991, it had submitted 2,500 requests to the courts for investigations of the facts. Such investigations were carried out following allegations that government officials had committed offences: summary execution, torture, arbitrary detention or abuse of powers, among others. In 1991, 800 out of a total of 2,500 cases had been found to justify the formulation of charges against government officials. The charges had been brought through normal judicial channels in 61 of those cases, and a number were still under investigation. From January to August 1992, a total of 1,527 requests for investigation of the facts had been submitted to the courts.

10. Mrs. HIGGINS said it was still not entirely clear to her why the investigation of charges against government officials should be carried out in any way other than through the normal judicial channels. She would also like to know how many officials had actually been sentenced.

11. Ms. POITEVIEN (Venezuela) said normal judicial channels were reserved for private citizens, but the so-called investigation of the facts was a special procedure applied when government officials were charged with offences. The purpose was to protect such officials from arbitrary and groundless accusations. She had no information on the number of officials who had been sentenced.

12. The CHAIRMAN said that consideration of section II of the list of issues had thus been concluded. He invited the Venezuelan delegation to respond to the questions in sections III and IV, which read:

> "III. Freedom of movement and expulsion of aliens, right to privacy, freedom of religion, expression, assembly and association, and right to participate in the conduct of public affairs (arts. 12, 13, 17, 18, 19, 20, 21, 22 and 25)
>
> (a) Please provide further information on the penalty of banishment, as provided for by articles 53 to 56 of the Criminal Code and the Act on the Commutation of Sentences by Pardon or Banishment from the National Territory of 15 December 1964, and comment upon the compatibility of those provisions with article 12 of the Covenant. (See paras. 196-197 of the report.)

(b) Please elaborate on the content of the Protection of Privacy Bill, referred to in paragraph 309 of the report. Has it already been adopted by Congress?

(c) Have the Demonstrations, Marches and Other Peaceful Protest Activities Act and the Crowd Control Act been adopted and, if so, have they been successful in fighting excesses committed by security forces against peaceful gatherings? (See para. 389 of the report.)

IV. Rights of persons belonging to minorities (art. 27)

(a) Please elaborate on the factors and difficulties affecting the implementation of article 27 of the Covenant, in particular, with regard to discrimination against indigenous peoples as individuals and groups. (See paras. 457 to 467 of the report.)

(b) Has the Draft Act on the Organization of Indigenous Communities, Peoples and Cultures been adopted by Congress? Is the delegation to Catholic missions of the task of 'subduing and civilizing indigenous persons' compatible with the rights of Indian communities as envisaged in the Draft Act as well as with article 27 of the Covenant? (See para. 465 of the report.)

(c) Has article 77 of the Constitution been reformulated to include specific recognition of the land, traditions, religions and languages of Indian communities in Venezuela, following the advice given by the Bicameral Commission referred to in paragraph 470 of the report?"

13. Mr. ARTEAGA (Venezuela), referring to section III (a) of the list, said the penalty of banishment imposed on a citizen the obligation not to return to the national territory before a specified period had elapsed. It was ordered by the courts only when requested by the citizen himself or his legal representative, and involved the commutation of a sentence already handed down by the competent judicial authorities. It was considered to be a benefit in that it offered the citizen freedom of movement as long as he remained outside the national territory. As for the measure's compatibility with article 12 of the Covenant, the rights enunciated in that article included freedom of movement, but a person who had been sentenced to incarceration was by definition forced to undergo restriction of that right. The Venezuelan Government saw the measure as being rooted in the obligation of the State to administer justice. It was a discretionary administrative act that must be carried out in accordance with the relevant legislation.

14. On question III (b), he said the purpose of the Protection of Privacy Bill was to protect the privacy, confidentiality, inviolability and secrecy of communications between individuals. It provided for penalties in connection with the recording or hampering of such communications. The Bill had been approved by the Chamber of Deputies but had not yet been endorsed by the Congress as a whole and had accordingly not yet become law.

15. In connection with section III (c), he said that the Demonstrations, Marches and Other Peaceful Protest Activities Act and the Crowd Control Act had not yet been adopted: they were still being considered in Congress. It

was hoped that in the course of the coming year they would enter into law. In any event, however, steps had already been taken to avert excesses by the security forces during peaceful demonstrations. One example was the special units created among the ranks of the demonstrators themselves during a student demonstration held on 20 September 1992. The purpose of the units had been to prevent violence both by students and by the authorities, and the results had been highly successful. Another specific measure adopted to ensure the peaceful conduct of meetings was the use of a truck with a water gun to control illegal assemblies.

16. Ms. POITEVIEN (Venezuela), referring to the question in section IV (a) of the list of issues, said the Public Prosecutor's Department had created a special office at the national level to deal with indigenous matters. There was also a special legal department for the administrative district of Bolívar, where many Indians lived.

17. As one example of successful intervention by the Public Prosecutor's Department to secure respect for the human rights of Indians, she noted that a television programme depicting an Indian woman in an unfavourable light had been modified before being broadcast in such a way that the dignity of the subject was respected.

18. The Draft Act on the Organization of Indigenous Communities, Peoples and Cultures referred to in section IV (b) of the list had not yet been adopted. As to the phrase "subduing and civilizing indigenous persons" (para. 465 of the report), she explained that the word "subduing" was a mistranslation of the Spanish term "reducir". That term referred to a system by which the Indians were exempted from complying with some of the elements of the administrative and judicial system in Venezuela. The purpose of those exceptions was to enable the Indians to live in conformity with the aspects of their culture that did not coincide with the cultural patterns of other inhabitants of Venezuela. Such exceptions had first been established under the Conquistadors. A law adopted in 1841 used the term "reducción" as a synonym for "civilization" of the Indians. In reality, it was a question of "reducing", or persuading, the Indians to live in established settlements. Up until that time, they had had a nomadic existence. In the Missions Act of 1915, the State of Venezuela had delegated to the Catholic Church the task of civilizing and "reducing", or winning over, the Indians.

19. Mrs. RUESTA de FURTER (Venezuela) said that in the light of the explanation given by her colleague, the translation of "reducir" as "subduing", which appeared in paragraph 465 of the report, should be corrected. The term as used in the late nineteenth and early twentieth century did not have the same meaning as it did in modern times. Indeed, all the legislation of that period reflected a paternalistic approach which was no longer relevant.

20. Ms. POITEVIEN (Venezuela) said that the biosphere zone that had been established in Amazonas Territory covered an area of 3.9 million hectares. It constituted the largest park in Venezuela and was the fourth largest park on Earth after those in Greenland, Denmark, the Gobi Desert and Canada. The decree establishing the park had made it clear that the civilian and military authorities were under an obligation to respect the traditions of the

indigenous populations in the area. The purpose of the zone was to ensure the physical and cultural survival of the indigenous people. The authorities could take the necessary measures to guarantee the protection of the environment and the harmonious relationship of the indigenous communities to it.

21. Mr. LALLAH said he had been interested to learn that a special unit had been set up in the Public Prosecutor's Department to deal with the problem of discrimination. He would welcome further information concerning the kind of discrimination involved.

22. With respect to the two indigenous members of the National Congress, he would like to know how the State ensured that the indigenous populations, who were known to be discriminated against, were able to exercise their political rights and seek representation.

23. Referring to the list of public offices contained in paragraph 450 of the report, he asked whether any indigenous person had ever held one of the positions enumerated there and, if not, whether there was any hope of such a person being able to do so.

24. Paragraphs 442 and 443 mentioned the situation of persons deprived of the right to vote by a decision of the civil courts and those banned on criminal grounds. With regard to those debarred by the civil courts, he took it that they were basically people who lacked the mental capacity even to look after their own affairs, but he would like to know whether there were other categories of persons who were also deprived of the right to vote by the civil courts. With regard to those banned on criminal grounds, he was not certain that the Covenant allowed the deprivation of the right to vote as an accessory penalty.

25. Mr. SERRANO CALDERA, referring to the explanation given concerning the term "reducción", said he thought that expression also meant indigenous people being brought together in order to be evangelized, a practice common in South America. However, the very concept of "reducción" was in conflict with the provisions of article 27 of the Covenant. It implied pressure being brought to bear on indigenous populations with regard to their customs and beliefs in order to make them adopt the values and religion of an external Power. The question had arisen once again on the occasion of the 500th anniversary of Columbus's discovery of America.

26. The idea of "incorporation" presupposed the exercise of pressure on communities to oblige them to participate in a concept of national unity. In his own country, there were serious problems connected with ethnic minorities such as the Miskitos as a result of a paternalistic policy designed to integrate them in the dominant culture of the country. The draft Act on the Organization of Indigenous Communities, Peoples and Cultures referred to in paragraph 458 of the report should reflect the spirit of the Covenant to a greater extent.

27. Mr. EL SHAFEI, noting the reply given by the Venezuelan delegation concerning banishment, said it was possible that the person concerned would return to his country; he wondered whether that person would then continue to be deprived of his political rights.

28. With regard to article 25 of the Covenant, he had taken note of the requirements set out in the report for taking part in the conduct of public affairs. He did not regard them as unreasonable restrictions but, rather, as qualifications for certain high-level posts.

29. He noted from paragraph 380 of the report that the civilian authorities could deny authorization for the holding of a public meeting on the grounds that it would be held for the purpose of conspiracy. In his opinion, that provision gave the authorities too much latitude to ban meetings.

30. With respect to paragraph 365 of the report, he noted that no legislation existed concerning advocacy of hate, discrimination or violence in respect of foreigners because such practices were unknown in Venezuela. In his opinion, however, that was not a valid reason for failing to have adequate legislation in the event that a situation arose involving those phenomena.

31. Mr. WENNERGREN noted that the Constitution of Venezuela referred only to the freedom of religion in article 65 whereas, under article 18 of the Covenant, that right should include the freedom to have or to adopt a religion or a belief of one's choice. In his opinion, "belief" should not necessarily be understood as referring to a religion. A person could be an atheist or believe that he was not obliged to use weapons since that would be against the fundamental right to life. Referring to paragraph 315 of the report, he inquired what was the situation with regard to conscientious objectors, who did not express their belief but were sometimes forced to act against it. He would like to know whether, in the delegation's opinion, freedom of thought and conscience was inherent in human beings and therefore protected by the Organic Law on the Protection of Constitutional Rights and Guarantees. He asked whether a conscientious objector could bring an action of amparo in order to protect his freedom of thought and conscience. Would it be possible for such a person to ask the Supreme Court to rule on whether compulsory military service was a violation of his constitutional rights? He would also like to know how Venezuela dealt with Jehovah's Witnesses who refused to perform military service.

32. Mrs. HIGGINS, referring to paragraph 199 of the report, said she sympathized with the Venezuelan Government's view that there might have been a misunderstanding with regard to expulsion orders and that expulsions were not carried out under article 34 of the Aliens Act, which concerned the deportation of persons illegally in the country while article 13 of the Covenant applied to aliens lawfully in the territory of a State party.

33. Expulsion as opposed to deportation was covered by article 35 of the Act, which did not seem to allow for the case to be reviewed. She continued to believe that there was a problem with regard to the Aliens Act, although she agreed that it was not one involving article 34.

34. Mrs. RUESTA de FURTER (Venezuela) said that Venezuelan legislation was based on respect for the rights of all citizens. The Indian deputies in the National Congress were not representatives of the Indians as such. The same was true with regard to women deputies, who were concerned with questions involving women but also dealt with other issues.

35. In Venezuela, all citizens, whether literate or not, had the right to vote. While no indigenous person had been a senator or President, many held official positions. She herself had an indigenous colleague who was a public prosecutor.

36. Under article 194 of the Narcotics and Psychotropic Substances Act, certain indigenous groups, clearly identified by the competent authorities, who had traditionally consumed Yopo in magical-religious ceremonies, were excluded from the application of that Act.

37. Venezuela was a secular State and all faiths that were not opposed to the State were accepted.

38. Ms. POITEVIEN (Venezuela) said that a bill was under consideration in Congress designed to amend article 77 of the Constitution with regard to the incorporation of indigenous populations into the life of the nation. The amendment modified the integrationist philosophy underlying the article by referring to the integration of indigenous peoples in the community and providing for a pluralist and multicultural vision based on respect for their languages and beliefs. The provisions of the bill were in conformity with article 27 of the Covenant.

39. On the question of conscientious objectors, a matter under consideration by the Public Prosecutor's Department, she said that the laws on military recruitment did not accept conscientious objection as a ground for exemption from military service. The remedy of amparo for the protection of the right of thought and belief was available before the courts, but she noted that no such cases had come before the courts. There had been cases involving persons not wishing to perform military service, but they had not claimed the status of conscientious objector.

40. Mrs. RUESTA de FURTER (Venezuela) recalled that Venezuela had pressed hard with Sweden for the inclusion in the Convention on the Rights of the Child of a prohibition against the military recruitment of children under 18 years of age. There was no history of conscientious objection in Venezuela, but the Government was studying the possibility of changing the law to provide an alternative to military service. Thus, Venezuela was one of the sponsors of the draft resolution on conscientious objection submitted to the Commission on Human Rights every two years. She noted that there were numerous categories of persons who were exempted from military service, such as students, persons with dependant parents, etc., and that Jehovah's Witnesses might be considered to qualify for such exemption.

41. Ms. POITEVIEN (Venezuela), replying to a question by Mr. El Shafei, said that persons expelled from Venezuela could not be deprived of their political rights when they returned to the country. That speaker had also commented on the provisions for the holding of public meetings. Referring to the

discussion on that issue in paragraphs 380 and 381 of the report, she said that the only grounds on which the authorities might oppose such gatherings would be their proposed route and not the substantive reasons for the gatherings. In fact anti-Government demonstrations took place frequently in Venezuela. Of course, if a public meeting became disorderly and offences were committed, the authorities were bound to interrupt it, as they had unfortunately been forced to do in the past. In response to Mr. El Shafei's comments on racial hatred, she said she was quite certain legislation existed on that issue, and she would provide the Committee with further information subsequently.

42. In relation to the right to vote of prisoners and legally incompetent persons, she said that only prisoners incarcerated under the category of presidio (rigorous imprisonment) lost their right to vote; prisoners in all other categories retained it. Persons declared incapable by decision of the civil courts did not have the right to vote.

43. The CHAIRMAN said that the Committee had completed its consideration of the list of issues and invited the members to make their concluding observations.

44. Mr. PRADO VALLEJO thanked the delegation of Venezuela for its excellent report, cooperative attitude, satisfactory replies to the Committee's questions and spirit of great goodwill. Although Venezuela was experiencing difficult times, its democracy was strong, and the Government's efforts gave cause for optimism. Problems in implementing the Covenant persisted, however, and the Committee's concerns centred on three main issues: firstly, the delays in the judicial procedure, especially when the persons being tried were military personnel charged with torture, disappearances, etc.; secondly, incidents of military courts trying civilians, despite the fact that that appeared to be contrary to the Constitution; and, thirdly, prolonged pre-trial detention, which opened the way for torture and ill-treatment. Nevertheless, he was confident that, despite Venezuela's economic and social problems, democracy in that country would prevail.

45. Mr. SADI said that, in macro terms, members appeared to agree that the human rights situation in Venezuela was good. Any shortcomings noted appeared to be at the micro level and had been well aired during the dialogue. In particular, concerning the hundreds of persons killed during the period of unrest in 1989, he hoped that the reported abuses on the part of the security forces were exceptions, and in any event he trusted that the authorities would take measures to avoid a recurrence of such abuses. He expressed appreciation for the Government's efforts on environmental and indigenous issues.

46. Mrs. HIGGINS thanked the delegation of Venezuela for its sound written report, which had provided an excellent basis for dialogue with the Committee. Venezuela was a working democracy, and it could indeed be said that the disturbing events reported were out of character. However, she remained concerned at continuing reports of torture, disappearances and summary executions, signifying an ongoing problem even within the framework of a vibrant democracy. Three measures should be taken to resolve that situation. First, and most important, the State must ensure that those who had committed such acts were tried and punished, and she had to say that the dialogue had

not been satisfactory on that point. Answers had been contradictory, the Committee having been told, on the one hand, that no one had been tried as yet but that the Government was anxious to come to grips with the problem, and on the other, that the figures on such trials were contained in an annex. It had then been conceded that the figures in the annex did not apply to public officials. While she appreciated the delegation's admission that problems existed, the time had come to actually do something about them. One of the most obvious solutions was for public officials and others responsible for offences to be tried in the civilian courts.

47. Turning to a number of other points, she said that the pre-trial detention period of eight days with one permissible eight-day extension was too lengthy, as that was the period during which torture was most likely to occur. The question of minorities represented a real dilemma, since the Government's desire to integrate them into the benefits of life in the country as a whole might conflict with their right under article 27 to enjoy their own culture. When that culture was a nomadic one and legislation aimed at settling them down, a problem resulted. She personally could see no immediate solution, but that issue deserved reflection. As she had mentioned earlier, further attention should be given to article 35 of the Aliens Act. If it was seriously intended that past problems should not be repeated, there must be a very considerable deployment of resources to relieve delays and make amparo a genuinely effective remedy, and to alleviate the unfortunate conditions in the prisons.

48. Mr. EL SHAFEI thanked the delegation of Venezuela for its cooperation, which had led to a fruitful discussion with the Committee. While he appreciated the considerable amount of new human rights legislation in Venezuela, he hoped that the delegation had taken note of the Committee's concerns. For example, the literacy requirement for voting was incompatible not only with the Covenant but also with the history of Venezuela itself, associated as it was with liberation movements. He also hoped that the Government would meet the challenge of coping with emergencies without infringing basic human rights, in particular those not specifically mentioned in the Venezuelan Constitution.

49. Mr. WENNERGREN thanked the delegation of Venezuela for its dialogue with the Committee, which he admitted he had had some difficulty following as the country's legislation appeared to be complicated and detailed. However, the general impression given was that Venezuela was a democratic State. There had been much progress with regard to the development of human rights, although there was still room for improvement. The Covenant was quite demanding, however, and few, if any, States parties were able to comply with all its requirements.

50. He noted with appreciation some of the positive human rights developments in Venezuela, such as the new Organic Law on the Protection of Constitutional Rights and Guarantees, the establishment of a Human Rights Unit within the Ministry of Foreign Affairs, the strengthening of the Public Prosecutor's Department and the plans to establish an Ombudsman's office. There were also the human rights training courses for administrative staff, the intended repeal of the Vagrancy Act, new acts on privacy and peaceful assembly, and the consideration of alternative service for conscientious objectors.

51. On the other hand, he was somewhat concerned at the fact that a detainee could be held for a total of 16 days before being brought before a judge. That was not in conformity with article 9 (3) of the Covenant, which required such action to be taken promptly. He was also concerned about the need to enable anyone who might have been subjected to torture or ill-treatment to be medically examined in good time, since any medical evidence of the kind of torture alleged by Amnesty International to have occurred in Venezuela would have disappeared in a few days.

52. He shared Mr. Lallah's view concerning compulsory voting. The right to vote was an inherent right in any democratic society, but to make it an obligation was not, in his view, in conformity with the Covenant.

53. He was not convinced that the investigatory procedures with respect to reported cases of torture or other violations were as effective as they should be. He understood that there had been a shortage of resources for the purpose but that more funds were to be allocated.

54. It was extremely important to disseminate information on human rights at all levels of society - not only at the upper levels but also to officials at the field level and to the general public.

55. He expressed appreciation to the delegation of Venezuela for its dialogue with the Committee, which had contributed much to an understanding of the situation.

56. Mr. SERRANO CALDERA thanked the delegation for its introduction of the excellent report and its participation in the useful dialogue.

57. He associated himself with the comments of other members of the Committee concerning the need to maintain the remedy of amparo during states of emergency and to reduce the length of pre-trial detention. The delegation's replies on those points and on the questions he had raised at the current meeting were encouraging. He welcomed the efforts being made to improve the country's legal apparatus with a view to ensuring greater protection of human rights in a number of specific legal areas. It was interesting that the Supreme Court had given a positive interpretation of the provisions of the Covenant and other international instruments even though their status was not defined in the Constitution.

58. The events of 1989 and 1992 could not be overlooked. He associated himself with the comments of other members of the Committee concerning the need to punish those responsible for torture, disappearances and summary executions. That was of particular concern to him since what occurred in Venezuela could affect the whole of Latin America. Venezuela was known as a country that had made constant efforts to defend democracy, and it was to be commended on having overcome its earlier problems and on shaping a democracy that had been sustained for a number of decades. Mr. Prado Vallejo had rightly drawn attention to the difficulties occasioned by the policies of the International Monetary Fund and the World Bank, which had failed to ensure political or economic stability and given rise to human rights violations. Policies for reducing inflation and the national debt anywhere in the world could produce serious social problems such as unemployment. He was confident,

however, that Venezuela and other Latin American countries would seek economic and social policies that would help them to improve their complex situation. He hoped that Venezuela's problems, both at the macro and the micro levels, would be solved and that there would be a gradual strengthening of democracy over the years. He thanked the delegation for its participation and wished Venezuela well in the future.

59. Mr. NDIAYE expressed appreciation to the delegation for its cooperation with the Committee and for the excellent report.

60. He associated himself with the comments made by Mr. Prado Vallejo and Mrs. Higgins. The events of 1989 and 1992 had been regrettable. He hoped that the bills before Congress would have positive results and that, despite the difficulties, the State Party's efforts to improve the protection of human rights would prove successful.

61. Mr. LALLAH congratulated the delegation on its presentation of the report, which was good in setting out the laws designed to protect the various rights under the Covenant, but which failed adequately to describe the factual situation with respect to the application of those laws. The report frankly conceded that there were a number of problems. It was true that Venezuela was also suffering from the current economic situation and the policies imposed on it by the IMF and other organizations, but that could not serve as an excuse for serious violations such as killings, torture or other ill-treatment, for which the IMF could not possibly be held responsible. The delegation had accepted that such violations might have occurred but had explained that they had not yet been adjudicated upon. There appeared to be good laws, but they seemed to be undermined by corruption. Investigations were too protracted, and he was not convinced that the laws had been successfully applied against officials who violated human rights.

62. He might have been misunderstood when he had raised the question of deprivation of political rights. He had not asked whether certain people lost their political rights when legal guardians were appointed for them but whether there were any other groups of people who were deprived by the courts of their political rights though they were mentally capable of exercising them. He had received no reply to his question as to why the criminal law treated the deprivation of the right to vote as a punishment.

63. He wished the State party well in its efforts to ensure human rights and to make the application of all the laws for their protection more effective.

64. Mr. AGUILAR URBINA joined in expressing appreciation to the Venezuelan delegation for the constructive dialogue. He was closely familiar with Venezuela and had confidence in its system of democracy. He had been shocked by the attempted coup d'état, but Venezuela should be commended on having overcome its difficulties in that regard. He was convinced that human rights were respected and that the judicial system was properly applied and not used as a cloak for abuses. Article 128 of the Constitution had been interpreted in the sense that international human rights instruments took precedence over the law and the Constitution. There were nevertheless some gaps in the law

with respect both to international treaties and to the human rights from which there could be no derogation under states of emergency, and he hoped that those gaps would be filled.

65. The situation of women in Venezuela had been substantially improved in recent years, particularly through the law on equality. He was concerned, however, that no progress had been made with respect to a number of bills that had been submitted; and that certain laws could be used to derogate from other laws. The Act on Dangerous Crime, for example, was contrary to the presumption of innocence and incompatible with the Covenant. The Missions Act, referred to in paragraph 465 of the report, was an affront to indigenous peoples. Further action should be taken to protect the environment.

66. He was deeply concerned about the events that had occurred in February 1989, and particularly about the number of people who had disappeared and the allegations of torture, both during and prior to those events. It had been stated that the bodies of 68 people who had disappeared had been found in a common grave and that 2 other bodies had been found following investigations into 16 disappearances; but there had been hundreds of disappearances and information was needed on the fate of all the others and on the location of the common grave. He was seriously concerned about the near-impunity enjoyed by the military. He hoped the civilian authorities, and particularly members of the Attorney-General's Office, could visit places of detention and that those guilty of abuses could be brought before the courts. It had been said that that had not been done because it had not been possible to identify those responsible. In such cases, the military commander should have been brought to justice, if only because of his negligence in allowing the incidents to happen.

67. The CHAIRMAN expressed his sincere appreciation to the delegation for its frank and cordial dialogue with the Committee, and for the excellent report, which had followed the Committee's guidelines. Venezuela had a sound democratic structure which enabled the Government and the public authorities to take account of human rights questions.

68. There were certain issues, however, on which members of the Committee had expressed some concern. The delegation would have taken due note of all those issues and he was confident that the competent authorities would take action that would enable further progress to be reported in the third periodic report on the legal guarantees and specific protection of human rights. The second periodic report had been two years overdue when received. The Committee would take a decision within the next few days as to the date of submission of the third periodic report and would communicate that decision to the Government.

69. He thanked all members of the Venezuelan delegation for their valuable contribution.

70. Mr. ARTEAGA (Venezuela) expressed the sincere gratitude of the Venezuelan Government, the Public Prosecutor's Department and the delegation itself for the opportunity to engage in a dialogue with the Committee. He endorsed many of the Committee's general and specific comments, which he would convey to the appropriate authorities. He had particularly appreciated the comments of

members from the Latin American region, who had referred to Venezuela's commitment to democracy and its intention to strengthen the democratic system.

71. Mr. Sadi and Mr. Wennergren had summed up many of the problems that had to be tackled. Mr. Sadi had rightly observed that the situation was good in macro terms but that it left something to be desired in micro terms. There were some individual and exceptional problems, but they in no way detracted from the Government's general commitment to the rule of law. The desired goal had not yet been reached but, as Mr. Wennergren had pointed out, that was true of countries in all parts of the world, and Venezuela was doing its best to improve the situation. His delegation had taken note of Mr. Aguilar Urbina's comments and suggestions and of his favourable analysis of the workings of the judicial system. It had also taken due note of comments made by other members about the slowness of investigations, prolonged detention and the need to ensure that those guilty of human rights abuses were brought to justice and punished; and of Mrs. Higgins' comments on the question of minorities, in which regard there was some dilemma in endeavouring to integrate the indigenous population while respecting its characteristics.

72. Mr. Lallah had said that the report had not sufficiently illustrated the application of the laws. That point would be taken into account in future reports. His delegation had not claimed that economic problems could excuse non-compliance with civil and political rights or that the policies of the IMF were responsible for the deaths that had taken place, but there were certainly some macroeconomic problems which had an influence on political problems. There was no intention, however, of sheltering behind those problems and using them to excuse human rights violations.

73. With reference to Mr. El Shafei's comments, everyone in Venezuela was entitled to vote even if he could not read or write. The literacy requirement applied only to the holding of public office.

74. His delegation would convey to the competent authorities the Committee's comments on the need to carry out further investigations into the events of February 1989. He apologized for the delay in submitting the second periodic report and said he would ensure that the third periodic report was submitted on time.

75. He shared the Committee's concern about the bills before the National Congress and hoped they would be passed in the near future. He also agreed with Mr. Wennergren on the need to disseminate information on human rights to the population at all levels. He thanked the Committee for the constructive spirit it had shown. His delegation would convey all its comments to the appropriate authorities.

76. The CHAIRMAN said that the Committee had concluded its consideration of the second periodic report of Venezuela.

The meeting rose at 1.15 p.m.